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Attorneys for: Plaintiff SUSAN OTTELE, on her
own behalf and on behalf of the Estate of Adam
J. Collier, decedent

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

**SUSAN OTTELE, on the behalf of the
Estate of Adam J. Collier, decedent,**

Plaintiff,

v.

**O. MARTINEZ and A. HODGES and
DOES 1-10, inclusive,**

Defendants.

1:22-cv-00187-JLT-CDB

**STIPULATED MOTION TO VACATE
PRETRIAL CONFERENCE AND
RELATED DEADLINES PENDING
RULING ON MOTION FOR
SUBSTITUTION; AND**

[PROPOSED] ORDER

Judge: The Hon. Jennifer L. Thurston
Trial Date: Not Set
Action Filed: February 14, 2022

Plaintiff Susan Ottele, on her behalf and on behalf of the Estate of Adam J. Collier,
decedent, and Defendants O. Martinez¹ and A. Hodges (the parties), by and through their
attorneys, stipulate and jointly move this Court for an order vacating the Pretrial Conference
currently set for February 18, 2025, at 1:30 p.m. before District Judge Jennifer L. Thurston, and
all Pretrial Conference related deadlines to be reset after the Court rules on Plaintiff's pending
motion for substitution. (*See* ECF Nos. 105, 110, 114.)

¹ The Court granted summary judgment in favor of Defendant O. Martinez. (ECF No. 82.) However, Martinez has not yet been terminated from the docket by the Clerk of Court. (*See* Docket.)

On December 19, 2024, this Court set a Pretrial Conference for February 18, 2024. (ECF No. 104.) On December 30, 2024, Plaintiff filed a motion for substitution of a party, listing a hearing date of February 6, 2025. (ECF No. 105.) On January 30, 2025, Magistrate Judge Christopher D. Baker directed Plaintiff to file and serve a new notice of motion setting forth a new hearing date at least 35 days following the filing of the notice, which will necessarily be set for a date after the February 18, 2025, Pretrial Conference. (ECF No. 114.)

The parties agree that a Pretrial Conference is premature and would not be beneficial until the Court rules on Plaintiff's motion for substitution. Accordingly, the parties jointly request that the Pretrial Conference and all related deadlines be vacated and reset following a ruling on Plaintiff's motion for substitution, if appropriate.

Dated: January 31, 2025

WANGER JONES HELSLEY PC

/s/ *Jay A. Christofferson*

Jay A. Christofferson

Steven K. Vote

Nathan J. Martin

Attorneys for Plaintiff SUSAN OTTELE, on
her own behalf and on behalf of the Estate of
Adam J. Collier, decedent

Dated: January 31, 2025

Respectfully submitted,

ROB BONTA

Attorney General of California

JANET N. CHEN

Supervising Deputy Attorney General



JENNIFER BURNS

Deputy Attorney General

Attorneys for Defendants

A. Hodges and O. Martinez

[PROPOSED] ORDER

Good cause appearing, the stipulation is entered. The Pretrial Conference scheduled for February 18, 2025, and all related deadlines, are **VACATED**. The Court will reset the Pretrial Conference after a ruling on Plaintiff's motion for substitution, if appropriate.

IT IS SO ORDERED.

Dated: **January 31, 2025**


UNITED STATES DISTRICT JUDGE